

Testimony by Michael Cromartie, Chair

Before the

House International Relations Subcommittee on Africa, Human Rights, and International Organizations

"Vietnam: The Human Rights Dialogue with Vietnam: Is Vietnam Making Significant Progress?"

Wednesday, March 29, 2006

A Strategic Opportunity: Linking Human Rights & Bilateral Interests

Mr. Chairman and Members of the Committee, let me begin by thanking you on behalf of the U.S. Commission on International Religious Freedom for holding this hearing.

Relations between the United States and Vietnam in recent years have strengthened and improved in several important areas. Commercial and military ties are expanding rapidly. Vietnam's Prime Minister made an historic visit to the United States in June 2005 and President Bush is scheduled to visit Vietnam in November.

Improving bilateral relations are important as our two countries move past a tragic history toward a better future--regrettably, significant issues still remain.

Vietnam's human rights record remains poor. Freedoms of speech, assembly, association, and religion continue to be restricted—and abuses in these areas still occur. Although Vietnam is in some respects a less repressive society now than ten or fifteen years ago, we should not conclude that Vietnam's economic openness has led directly to political openness or greater respect for human rights.

Unfortunately, the hope of some that Vietnam's progress toward WTO membership would bring about legal reform, transparency, and improvements in human rights has not been fulfilled. There has not been a direct correlation between economic and individual freedoms.

The U.S. Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 to monitor the status of freedom of thought, conscience, and religion or belief abroad, as defined in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the President, Secretary of State, and Congress.

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As Vietnam continues to expand the boundaries of economic freedom, the United States should continue to encourage Vietnam to uphold its international commitments on human rights and religious freedom. This includes full implementation of the May 5, 2005 agreement Vietnam signed with the U.S. government to improve religious freedom.

Vietnam & Religious Freedom

Mr. Chairman, the Commission remains particularly concerned about current religious freedom conditions in Vietnam.

Vietnam has been one of the Commission's highest priorities over the past several years. The Commission and its staff have traveled to Vietnam. We regularly meet with Vietnamese officials and religious leaders. We continue to work with Congress and the Administration on diplomatic and policy solutions to improve religious freedom in Vietnam.

Over the past fifteen years, the government of Vietnam has slowly carved out a noticeable "zone of toleration" for government approved religious practice. If you visit Vietnam, you will be able to observe religious activity in many places and by persons of many faiths. But the presence of religious practice does not necessarily mean the presence of religious freedom. Some Vietnamese practice their faith with few restrictions. Too many other Vietnamese people do not.

Based on information we have gathered from sources within Vietnam, we do not think the May 5, 2005 agreement, signed by the U.S. and Vietnam to improve religious freedom conditions has been fully implemented over the past year. There have been positive developments that signal a new commitment to protect religious freedom, but those developments have only slowly emerged over the past eight months and significant restrictions and abuses remain.

There have been slight improvements in law and practice for some Vietnamese religious groups following the issuing of a new Ordinance on Religious Affairs and corresponding implementation regulations. In addition, we have learned that Vietnamese officials have recently begun contacting religious leaders to discuss registration requirements. But the overall protection of religious freedom remains poor and legal protections are often ignored or poorly understood. In addition, national security or national solidarity provisions of the penal code trump all potential religious freedom protections.

In the last year, the Vietnamese government released some significant religious prisoners, officially outlawed forced recantations of faith, issued new guidelines to help speed the process of registration, registered 29 religious venues in the Central Highlands and allowed hundreds more to operate prior to registration. In addition, restrictions on Catholics and the majority of Buddhist practice continue to ease.

These positive developments are a direct result of persistent diplomatic engagement, ongoing international attention to Vietnam's human rights problems, and Vietnam's own interest in joining the international community—including WTO membership.

Yet, despite positive developments, restrictions and some abuses continue and vary by region, religious affiliation, and ethnicity. Hanoi remains highly suspicious of Montagnard and Hmong Protestants, Vietnamese Mennonites, followers of Hoa Hao Buddhism, and the banned United Buddhist Church of Vietnam (UBCV).

In June 2005, the Commission submitted testimony to this Subcommittee offering specific instances of abuse and restrictions of religious freedom. Let me offer additional examples of instances that have occurred since last June or which have recently been documented by our staff.

- Coerced recantations of faith are still reported, particularly among Hmong and Montagnard Protestants. We have documented numerous cases of ethnic Protestant activists in Vietnam being forced to recant and sometimes being tortured and mistreated in detention.
- Local officials confiscated the land of Hmong Christians in Lao Cai Province last April, destroyed the homes of Hre Christians in Quang Ngai Province in August, 2005, and the beat Hmong leaders in Ha Giang Province in September, 2005.
- In addition, just last month, the chief of police in Tung Ba Commune, Ha Giang Province admitted that he raided a Hmong Christian worship service on January 1, 2006. The police chief said he "caught 20 people red-handed illegally singing. We seized 14 books and one radio from them." "We told them to stop practicing that religion because it is illegal."
- Pressures remain on the UBCV leadership. Thich Quang Do and Thich Huyen Quang are still restricted in their contacts and movement. At least 13 other senior UBCV monks remain under some form of administration probation or actual "pagoda arrest." In February 2006, Thich Quang Do was detained after trying to board a train to visit Thich Huyen Quang. He was released after a few hours, but was not allowed to travel. Charges against UBCV leaders for "possessing state secrets," first issued in October 2004, have not been rescinded.
- Arrests and harassment of members of the Hoa Hao religious minority have increased in the past year. In September 2005, Hoa Hao monk Vo Van Thanh Liem, who had submitted written testimony on human rights to this Subcommittee, was sentenced to nine years of imprisonment. At least six other Hoa Hao members were sentenced to prison during 2005.
- On a positive note, Vietnamese authorities continue to slowly open some of the 450 religious venues closed since 2001. By our count, 29 churches legally re-opened last year. Officials in Gai Lai Province seem to be allowing additional "home meeting points" to operate before they are legally recognized. Similar reports are emerging from Kontum and Binh Phuoc. However, it seems that there is little movement on church openings in Dak Lak Province.
- Hmong Protestants have encountered the most problems in seeking legal recognition.
 Authorities in the northwest provinces have steadfastly refused to acknowledge the legal existence of a reported 1,110 Protestant churches in the northwest provinces.
 Approximately 200 Hmong churches have applied for registration under the new law, but they have encountered numerous obstacles from authorities.
- There are at least six religious prisoners and fifteen others being held in some from of administrative detention. The number is probably much higher since religiously-related detainees from the 2001 and 2004 demonstrations for religious freedom in the Central

Highlands are being held under "national security" and national solidarity provisions of the legal code.

• In the last year, Vietnam has eased some restrictions on Catholicism. In January 2006, a special envoy from Rome made the first visit by a senior official from the Vatican since 1954 and presided over the ordination of 57 priests at a ceremony in Hanoi. In addition, a new Archbishop was named for Ho Chi Minh City in 2005. Although relations between Vietnam and the Vatican have improved in recent years, the government continues to require prospective seminarians to obtain government permission before entering the seminary and receiving ordination and maintains defacto veto power over Roman Catholic ordinations and appointments.

Regarding Religious Freedom: Is the Glass Half-Full of Half-Empty?

As was highlighted by Ambassador Hanford in his testimony, Vietnam has seriously engaged on the issue of religious freedom with the United States. Vietnamese officials have told the Commission that since the CPC designation, they now realize that "religious freedom concerns are issues that have to be addressed to improve bilateral relations."

Ambassador Hanford should be commended for the time and effort he has invested in Vietnam. We should see any progress in Vietnam as evidence that both vigorous diplomatic action and the use of the CPC designation produced results that might lead to future improvements in religious freedom in Vietnam.

In the past eight months, we have seen some critical diplomatic engagement on religious freedom concerns, we have seen new regulations issued that promise some protections for religious minorities if applied consistently, and we have seen several prisoners released.

Mr. Chairman, we recognize some advances in religious freedom conditions and we have noted continued concerns. We are not arguing over whether the glass is half-full or half-empty. We just do not know if the glass, so recently constructed, will continue to hold any water.

Will legal developments will hold in a country where the rule of law is not fully functioning? Are changes only cosmetic, intended to increase Vietnam's ability to gain WTO membership and pass a Congressional vote on PNTR.

Religious prisoners remain behind bars, churches remain closed, forced renunciations of faith continue, as do restrictions on and harassment of all of Vietnam's diverse religious communities. All these abuses occur less frequently than in the past; however, there remain serious concerns in all these areas.

Though promises of future improvement are encouraging, we should not reward Vietnam too quickly by lifting the CPC designation or downplaying human rights concerns to advance economic or military interests.

Policy Recommendations:

The Commission's 2005 Annual Report includes policy recommendations that we believe can improve U.S. human rights diplomacy for Vietnam. In general, the Commission recommends that U.S. diplomatic and assistance programs be expanded and re-prioritized to directly promote freedom of religion and related human rights in Vietnam. Non-humanitarian assistance

programs have been declining in Vietnam, except for new HIV/AID funding and assistance programs to help Vietnam enter the WTO. We believe that new public diplomacy, economic development, and technical assistance programs should be targeted to address the roots of ongoing human rights problems.

We have also made specific recommendations for Congressional and Administration action in the areas of public diplomacy, economic development, education, good governance, and rule of law programs for Vietnam.

I have included a copy of the Commission's recommendations as part of my testimony and ask that it be made part of the record.

Let me highlight one of our past policy recommendations in order to commend Congressional action and urge full implementation of appropriated funds.

Last year, in the conference report to HR 3057, the Foreign Operations Appropriation's Bill, Congress agreed to provide \$2,000,000 for programs to address the needs of affected communities and individuals in the Central Highlands of Vietnam, including creation of a Montagnard Development Fund.

Mr. Chairman, we believe that the creation of a Montagnard Development Fund may address some of the core economic problems that are related to religious freedom abuses targeting Vietnam's ethnic minorities. We urge that the appropriated funds be quickly allocated, that NGOs will be able to operate freely in Central Highlands, and that development projects be expanded for Vietnam's northwest provinces as well. We also urge that the funds appropriated by Congress be prioritized for ethnic and religious minority communities in areas experiencing significant human rights problems.

Conclusion:

The U.S. Government and its officials must continue to speak with one strong voice on human rights, including religious freedom. We must continue to convey to senior Vietnamese leaders that religious freedom is a top priority to us, that it is a critical issue in our bilateral relationship, and that the central Government must take concerted action to end abuses and harassment of religious believers.

We must continue to make clear that it is incumbent on the leadership of Vietnam to take their country on the path towards openness, prosperity, and freedom. Better U.S. and Vietnamese relations depend on it.

Commission Recommendations-Vietnam:

Following the designation of Vietnam as a CPC, the Commission has recommended that the U.S. government should:

- identify those Vietnamese agencies and officials who are responsible for particularly severe violations of religious freedom and vigorously enforce section 604 of IRFA with respect to Vietnam, rendering inadmissible for entry into the United States any Vietnamese government official who was responsible for or directly carried out such violations; and
- re-prioritize human rights programming and technical assistance in Vietnam by dedicating no less than \$1 million for FY 2005 and FY 2006, if discretionary funds are allocated to Vietnam above its annual earmark, to new or existing programs that will directly promote freedom of religion and belief and related human rights in Vietnam.

With regard to religious freedom conditions in Vietnam, in addition to recommending that Vietnam be designated a CPC, the Commission has recommended that the U.S. government should:

- make clear to the government of Vietnam that ending violations of religious freedom is essential to the continued expansion of U.S.-Vietnam relations, urging the Vietnamese government to:
 - --establish a non-discriminatory legal framework for religious groups to engage in peaceful religious activities protected by international law without requiring groups to affiliate with officially registered religious organizations; for example:
 - allow the Unified Buddhist Church of Vietnam to register and operate independently of the official Buddhist organization, the Vietnam Buddhist Sangha;
 - allow leaders chosen by all Hoa Hao adherents to participate in the Executive Board of the Hoa Hao Administrative Council or allow a separate Hoa Hao organization to organize and register as the Hoa Hao Central Buddhist Church with the same privileges as the Administrative Council;
 - allow Presbyterian, Assembly of God, Baptist and any other Protestant denominations that do not wish to join either the Southern Evangelical Church or the Northern Evangelical Church of Vietnam, to register independently; and
 - allow Cao Dai leaders opposed to the Cao Dai Management Council to form and register a separate Cao Dai organization with management over its own affairs;
 - --establish a legal framework that allows for religious groups to engage in humanitarian, medical, educational, and charitable work;
 - --amend the 2004 Ordinance On Religious Beliefs and Religious Organizations and Decree 22, and other domestic legislation that may restrict the exercise of religious freedom, so that they conform to international standards for protecting the freedom of thought, conscience, and religion or belief.

- --enforce the provisions in the Prime Minister's "Instructions on Protestantism" that outlaw forced renunciations of faith and establish in the Vietnamese Criminal Code specific penalties for anyone who carries out such practices;
- --repeal Decree 31/CP of the Vietnamese Criminal Code which empowers local Security Police to detain citizens for up to two years without trial, as this decree is routinely invoked to detain religious followers and members of non-recognized religious denominations;
- --set up a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions on returning confiscated properties to religious groups;
- --release or commute the sentences of all those imprisoned or detained on account of their peaceful manifestation of religion or belief; including, among others, UBCV Patriarch Thich Huyen Quang, Thich Quang Do and six UBCV leaders detained in the 2003 crackdown, members of ethnic minorities in the Central Highlands and northwest provinces, and the six Mennonites arrested in July 2004, using the list compiled by the State Department pursuant to Section 108 of IRFA;
- --re-open all of the churches, meeting points, and home worship sites closed during 2001 in the Central Highlands and northwest provinces;
- --investigate and publicly report on the beating deaths of Hmong Protestant leaders Mua Bua Senh and Vang Seo Giao, and prosecute anyone found responsible for these deaths;
- --halt the practice of diplomatic pressure, offering of bounties, or cross-border police incursions into Cambodia for the purpose of forcibly repatriating Montagnards; and,
- --allow representatives of the UN High Commission for Refugees (UNCHR), or some other appropriate international organization, unhindered access to the Central Highlands in order to monitor voluntarily repatriated Montagards consistent with the Memorandum of Understanding (MoU) signed on January 25, 2005 between the UNHCR, Cambodia and Vietnam and provide unhindered access for diplomats, journalists, and non-governmental organizations to members of all religious communities in Vietnam, particularly those in the Central Highlands and the northwestern provinces; and
- expand existing programs and initiate new programs of public diplomacy for Vietnam, including,
 - --expanding funding for additional Voice of America (VOA) and Radio Free Asia (RFA) programming for Vietnam and to overcome the jamming of VOA and RFA broadcasts;
 - --targeting some of the Fulbright Program grants to individuals and scholars whose work promotes understanding of religious freedom and related human rights;
 - --requiring the Vietnam Educational Foundation, which offers scholarships to Vietnamese high school age students to attend college in the United States, to give preferences to youth from ethnic minority groups areas (Montagnard and Hmong), from minority religious communities (Cao Dai, Hoa Hao, Catholic, Protestant, Cham Islamic, and Kmer Buddhist), or former novice monks associated with the Unified Buddhist Church of Vietnam;

- --providing grants to educational NGOs to bring Vietnamese high school students to the United States for one year of study;
- --creating new exchange programs between the Vietnamese National Assembly and its staff and the U.S. Congress;
- continue to expand its economic development, democracy, education, good governance, and rule of law programs in Vietnam by:
 - --working with interested nations and international donors to create a development fund for ethnic and religious minorities that targets business creation, micro-enterprise development loans, and grants to improve agricultural, educational, health, and technical training, a fund that would prioritize areas with both rural poverty and significant human rights problems;
 - --expanding existing rule of law programs to include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious communities to discuss the impact of Vietnam's laws and decrees on religious freedom and other human rights, to train public security forces on these issues, and to discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations.

In addition, the U.S. Congress should appropriate additional money for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming. Funding should be commensurate to new and ongoing programs for Vietnamese workers, women, and rule of law training.